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LOWE HAUPTMAN GILMAN AND BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300 /310
ALEXANDRIA, VA 22314

EXAMINER

BELLAMY, TAMIKO D

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,706

Applicant(s)

PARK ET AL.

Examiner

Tamiko D. Bellamy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 3, and 5-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☐ Claim(s) _____ is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 3, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schellin et al. (2005/0039530) in view of Biebl (5,911, 157).

Re claim 2, the combination of Schellin et al and Biebl discloses support beams (e.g. springs) connected to the edge of a mass. While the combination of Schellin et al and Biebl do not include support beams with elastic bodies and a beam-fixing section, which are arranged in the opening formed in a central portion of the body of the mass, the placement of a component is a design consideration clearly in the preview of one having ordinary skill in the art. The court held in In re Japikse, 86 USPQ 70 (CCPA 1950), that there would be no invention in shifting a part to another location since the operation of the device would not be modified. Therefore, to modify Schellin et al, by employing support beams in an opening in a central portion of the mass would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches its use on an acceleration sensor include support beams.

Re claim 3, as depicted in fig. 1, Schellin et al. discloses support beams (e.g., springs 6) connected to a middle portion of a mass (5). Schellin et al. does not teach that

the support beams are arranged adjacent to both ends of the mass. Therefore, to modify Schellin et al. by employing on support beams arranged adjacent to both ends of the mass would have been obvious to one of ordinary skill in the art at the time of the invention since Biebl teaches an acceleration sensor having theses design characteristics. The skilled artisan would be motivated to combine the teachings of Schellin et al. and Biebl since Schellin et al. states that his invention is applicable to a sensor that is subject to acceleration and Biebl is directed to an acceleration sensor.

Re claims 5 and 6, as depicted in fig. 1, Schellin et al. discloses movable test electrodes (19) extending from a mass (5), and a fixed test electrode (18) arranged parallel to the movable test electrode. Schellin et al. does not teach a movable and fixed compensation electrodes having comb-shaped members. As depicted in fig. 1, Biebl discloses comb shaped movable and fixed compensation electrodes (8, 9). Therefore, to modify Schellin et al. by employing movable and fixed compensation electrodes having comb-shaped members would have been obvious to one of ordinary skill in the art at the time of the invention since Biebl teaches an acceleration sensor having theses design characteristics. The skilled artisan would be motivated to combine the teachings of Schellin et al. and Biebl since Schellin et al. states that his invention is applicable to a sensor that is subject to acceleration and Biebl is directed to an acceleration sensor.

Re claim 7, Schellin et al. discloses a horizontal movable floating mass (5) and support beams (e.g., springs 6) extending from a beam-fixing section (e.g., edge 83, 84) to support the mass (8). As depicted in fig. 1, Schellin et al. discloses movable electrodes (15) extending from the sides of the mass (5) to a predetermined length.. As depicted in

fig. 1, Schellin et al. discloses fixed electrodes (16, 17) extending from electrode –fixing sections (e.g. edges 8₁, 8₂) to a predetermined length, and alternating with the movable electrodes (15) with a predetermined gap. Schellin et al. discloses test electrodes (e.g., drive electrodes (18, 19) for displacing the mass (5) and used to detect the stationary displacement of the seismic mass (5) caused by static voltage applied to the test/drive electrodes (Pg. 1, par. 5). Schellin et al. does not specifically teach **compensation electrode sections for displacing the mass in a moving direction of the mass to equalize an initial capacitance between the movable and fixed electrodes at one side with that between the movable and fixed electrodes at the other side, compensation electrode-fixing sections fixed adjacent to both ends of the mass, and a control unit including a comparison section for comparing the initial capacitance between the movable and fixed electrodes at one side with that between the movable and fixed electrodes of the other side.** As depicted in fig. 1, Biebl discloses compensation electrodes (8, 9) for compensating the force of inertia attacking at the mass part (4) that occurs given an acceleration and always keeps the spacing between of the electrodes (6, 7) constant (Col. 4, lines 13-23). As depicted in fig. 1, Biebl also discloses compensation-fixing sections (8) fixed adjacent to both ends of the mass (4). Biebl also discloses that circuits that apply the electrical voltage and evaluate the measured results can be monolithically integrated (Col. 4, lines 36-47), this circuit is equivalent to a control circuit which has the inherent function of comparing the initial capacitance with measuring electrodes. Therefore, to modify Schellin et al, by employing compensation electrodes sections, and a control unit would have been obvious to one of ordinary skill in

the art at the time of the invention since Biebl teaches an acceleration sensor having these design characteristics. The skilled artisan would be motivated to combine the teachings of Schellin et al. and Biebl since Schellin et al. states that his invention is applicable to a sensor that is subject to acceleration and Biebl is directed to an acceleration sensor.

Re claim 8, as depicted in fig. 1, Schellin et al. discloses test electrodes sections that are separately provided adjacent to both ends of the mass (5). Schellin et al. does not teach compensation electrodes sections that are separately provided adjacent to both ends of the mass. As depicted in fig. 1, Biebl discloses compensation electrodes sections (8, 9) that are separately provided adjacent to both ends of the mass (4). Therefore, to modify Schellin et al. by employing compensation electrode sections separately adjacent to both ends of a mass would have been obvious to one of ordinary skill in the art at the time of the invention since Biebl teaches an acceleration sensor having these design characteristics. The skilled artisan would be motivated to combine the teachings of Schellin et al. and Biebl since Schellin et al. states that his invention is applicable to a sensor that is subject to acceleration and Biebl is directed to an acceleration sensor.

3. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schellin et al. (2005/0039530) in view of Biebl (5,911, 157) as applied to claim 1-6, and 8 above, and further in view of Schmiesing et al. (6,318,174).

Re claims 9-11, the combination of Schellin et al. and Biebl all except the limitation of the movable and fixed compensation electrodes having **projections**. Schmiesing et al. discloses movable and fixed electrodes with projections (e.g.,

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protrusions 141, 151) in the form of nubs, bumps, spikes or protrusions (Col. 3, line 43).

Therefore, to modify the combination of Schellin et al. and Biebl by employing compensation electrodes having projections would have been obvious to one of ordinary skill in the art at the time of the invention since Schmiesing et al. teaches an acceleration sensor having these design characteristics. The skilled artisan would be motivated to combine the teachings of the combination of Schellin et al. and Biebl since the combination of Schellin et al. and Biebl states that the invention is applicable to a sensor that is subject to acceleration and Schmiesing et al. is directed to an acceleration sensor.

Response to Arguments

4. The indicated allowability of claim 7 is withdrawn in further review of reference Biebl (5,911, 157).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy

T.B.

October 31, 2005


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800